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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,208	04/07/2004	Richard Lunak	DB000975-003	7437

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EXAMINER

CRAWFORD, GENE O

ART UNIT PAPER NUMBER

3651

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/820,208	Applicant(s) LUNAK ET AL.	
	Examiner Gene O. Crawford	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-11, 14, 15 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 12, 13 and 16-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/7/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 5 recites the limitation "said rows of bins" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 9-11, 14, 15 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahlin et al.

The closed loop restocking system and method thereof disclosed by Ahlin et al. includes all the claimed features and in particular includes: **(claims 1, 9)** dispensing hardware 223 located at a decentralized location (column 8, lines 25-44); a carousel 78

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(column 17, lines 7-15) located at a centralized location responsive to the data (column 8, lines 55-60); a restocking package 31, 32 for carrying items selected from the carousel in response to data, the restocking package carrying indicia (column 12, lines 14-25), transporting the restocking package 31, 32 to the decentralized locations and restocking the dispensing device with the restocking package 31, 32 (column 8, lines 10-25); **(claim 2)** a bar code scanner 38 for scanning bar code indicia 109 for verifying the dispensing hardware 223 is restocked with the items selected from the carousel in the restocking package; **(claim 3)** printer for printing the bar codes in that bar codes can be printed by any computer system including a printer (column 5, lines 45-50); **(claim 4)** the indicia indicating the dispensing cabinet and location under the control of the dispensing cabinet (column 24, lines 35-43); **(claim 10)** wherein restocking includes removing items from the restocking package 32 and inserting them into specific locations in the dispensing device in that the restocking package includes both bins/items 31 and cart 32; **(claim 11)** the restocking includes inserting the restocking package 31 into a specific location in the dispensing device; **(claim 14)** the restocking package being a tote 31 containing a plurality of patient specific envelopes in that it is contemplated that medication and medical supplies carried in the tote/bins 31 can be individually "overpackaged"; **(claim 15)** the tote 31 containing a chip having information about the contents of the tote 31, the method additionally dispensing from the tote as broadly claimed (column 21, lines 1-42); and **(claims 20-22)** wherein generating data includes requesting an item whenever the quantity of the item falls below a par level based on current and historic usage as broadly claimed and generating records of

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dispensing events, inventory count, restock events and configuration events (column 24, lines 35-63).

Allowable Subject Matter

6. Claims 7, 8, 12, 13 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: a closed loop restocking system and method thereof including the unique features of (i) 'a carousel having first and second tracks and a plurality of bins arranged into rows driven by the tracks and sensors for sensing the position of the rows of bins'; (ii) 'the restocking package being an envelop wherein the inserting including placing the envelop into lock-lidded patient specific location in the dispensing device'; (iii) 'returning the tote to the carousel and connecting them both' and/or (iv) 'wherein the restocking includes connecting the restocking cart to the dispensing device' all in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

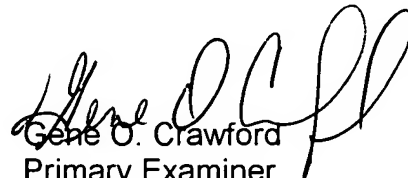
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gene O. Crawford
Primary Examiner
Art Unit 3651
